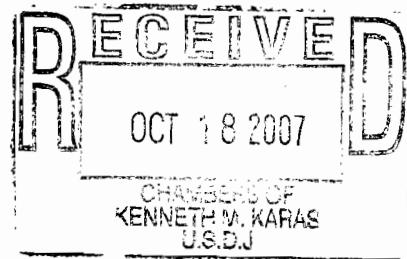


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October 17, 2007

MEMO ENDORSED

The Honorable Kenneth M. Karas
United States District Court, Southern District of New York
300 Quarropas Street, Room 533
White Plains, NY 10601

Re: United States v. Timothy Montgomery, Crim. No. 1:05 cr 1067

Dear Judge Karas:

The above-referenced criminal case is scheduled for a status hearing before this Court on November 1, 2007. I am writing to request that the November 1 status hearing be vacated and a sentencing date be scheduled.

I have spoken to AUSA Danya Perry, counsel for the United States in this matter, about the November 1 hearing. She is not opposed to vacating that hearing and scheduling a sentencing date in this matter.

Thank you in advance for your consideration.

Sincerely,

Timothy J. Heaphy Jr.
Timothy J. Heaphy
Counsel to Timothy Montgomery

Cc: AUSA Danya Perry

*Sentence is scheduled for [redacted] 12, 2007
at 3:00*

USDS SDNY
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DATE FILED: _____

SO ORDERED
[Signature]
KENNETH M. KARAS U.S.D.J.
10/17/07